

REMARKS

In response to the Office Action mailed on June 6, 2007, Applicants respectfully request reconsideration based on the above claim amendments and the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

Claims 1, 16, and 21 have been amended, leaving Claims 1-21 for consideration upon entry of the present amendments. No new matter has been added by the amendments. Support for the amendments may be found in the specification, e.g., at paragraph 49 and 51.

Applicants acknowledge with appreciation the withdrawal of the claim objection made in the previous Office Action.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 1-3, 6-8, 10-13, 15-16 and 18-21 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Redmond (International Publication No. WO 02/054708), hereinafter referred to as “Redmond”, in view of Welsh et al. (U.S. Patent No. 6,757,691), hereinafter referred to as “Welsh”. Claims 4 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Redmond in view of Welsh and further in view of U.S. Patent No. 6,862,594 to Saulpaugh (hereinafter “Saulpaugh”). Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Redmond in view of Welsh and further in view of U.S. Patent Application Publication No. 2004/0236785 to Greiner (hereinafter “Greiner”). Claims 9 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Redmond in view of Welsh and further in view of U.S. Patent No. 6,486,892 to Stern (hereinafter “Stern”). These rejections are respectfully traversed.

According to exemplary embodiments, data files are segmented into smaller bundles and distributed to devices connected to various networks, and their locations may be tracked in a network available directory. When the segmented files need to be distributed to a new device, the directory is queried to locate the smaller bundles. The best sources for distribution of the segmented files are determined, and the smaller bundles are transmitted from the multiple sources to the target. See, e.g., paragraph 17 of the specification.

Claim 1, for example, recites a method for providing delivery of a segmented data file. The method includes receiving a request to send the segmented data file to a target device and querying a directory for one or more segments included in the segmented data file. At least one of the one or more segments included in the segmented data file corresponds to a plurality of source locations. The directory lists one or more data files and the one or more segments that make up each data file, and the directory lists source locations containing data bundles that correspond to the at least one of the one or more segments. For at least one of the one or more segments, the method further includes determining, from the directory, one or more of the source locations containing a data bundle corresponding to the at least one of the one or more segments, selecting one of the source locations for the at least one of the one or more segments, wherein the data bundle is retrievable from any of the determined source locations corresponding to the at least one of the one or more segments, and transmitting the data bundle from the selected source location to the target device.

The Action relies on Redmond for all the features recited in claim 1 except for the steps of querying a directory and selecting one of the source locations. The Action relies on Welsh for the features missing from Redmond.

Redmond discloses a system and method for providing load balanced secure media content and data delivery in a distributed computing environment. In Redmond, media content is segmented and encrypted. As illustrated in Figure 1 and explained in the Abstract of Redmond, a complete set of individual encrypted segments is staged into a plurality of intermediate control nodes (17, 19). Individual encrypted segment are mirrored from the staged complete set to a plurality of intermediate servers (21a-21b, 23a-23b). In responses to request from clients (11) for media content at the centralized control center (15), each individual encrypted segment in the set is received from one of an intermediate control node and an intermediate server optimally sited from the requesting client. The individual encrypted segments are reassembled into media content for media playback.

In Redmond, the decision to assemble segmented data files is based on pulses from the neuro nodes and edge servers, indicating load and operational status. In particular, as explained at page 6, line 20 through page 7, line 7 and depicted in Figure 2 of Redmond, segments are

received from the neuro 43 nodes and edge servers 44 based on the load and operational status of the neuro nodes and edge servers. The smart client 41 reassembles the individual encrypted segments and begins media playback upon receiving a sufficient number of segments.

As admitted in the Action, Redmond fails to disclose or suggest querying a directory for one or more segments included in the segmented data file and selecting one of the source locations for the at least one of the one or more segments as set forth in claim 1.

The Action relies on Welsh for the claimed features missing from Redmond. In particular, the Action points to Welsh's description at col. 1, ll. 63-67, col. 2, ll. 1-15 and col. 4, ll. 21-27 of presenting (via an Internet browser) content choices that are likely to be of interest to a user based on a degree of matching between a psychographic profile for the user and the available content as corresponding to "querying a directory" as set forth in claim 1. The Action further asserts that Welsh's teaching at col. 1, l. 63-col. 2, l. 15) of specifying a network address corresponds to selecting one of the source locations as claimed. The Action asserts that it would have been obvious to modify Redmond with the teaching of Welsh to utilize the content choice by searching a profile data base with the motivation to enhance managing a user's content choice.

Applicants respectfully submit that the "profile database" described in Welsh is not a "directory" as set forth in claim 1. Thus, no combination of Redmond and Welsh would result in "querying a directory for one or more segments included in the segmented data file" as set forth in claim 1.

Although not considered necessary to overcome the rejection, claim 1 has been amended to clarify the directory lists one or more data files data files and the one or more segments that make up each data file, and the directory lists source locations containing data bundles that correspond to the at least one of the one or more segments. Claim 1 has further been amended to recite determining, from the directory, one or more of the source locations containing a data bundle corresponding to the at least one of the one or more segments. These features are not disclosed or suggested by Redmond or Welsh.

Applicants respectfully submit that, even if one skilled in the art were led to combine Redmond and Welsh, the combination would not result in querying a directory for one or more segments included in the segmented data file, wherein at least one of the one or more segments included in the segmented data file corresponds to a plurality of source locations, the directory lists one or more data files and the one or more segments that make up each data file, and the directory lists source locations containing data bundles that correspond to the at least one of the one or more segments. Moreover, no combination of Redmond and Welsh would result in determining, from the directory, one or more of the source locations containing a data bundle corresponding to the at least one of the one or more segments. Accordingly, claim 1 is considered allowable over any combination of Redmond and Welsh.

Claims 16 and 21 have been amended in a manner similar to claim 1. Accordingly, Applicants respectfully submit that claims 16 and 21 are patentable over Redmond in view of Welsh for at least the reasons given above for claim 1. Claims 2-3, 6-8, 10-13, and 15 depend from claim 1 and thus are believed to be allowable at least due to their dependency on claim 1. Claims 18-20 depend from claim 16 and thus are believed to be allowable at least due to their dependency on claim 16.

With regard to claims 4 and 17, these claims depend from and include all the features recited in claim 1 and 16, respectively. The Action points to Saulpaugh for the claimed features missing from Redmond and Welsh.

Saulpaugh discloses a method and apparatus to discover services using flexible search criteria. Saulpaugh does not disclose or suggest querying a directory for one or more segments included in the segmented data file, wherein at least one of the one or more segments included in the segmented data file corresponds to a plurality of source locations, the directory lists one or more data files and the one or more segments that make up each data file, and the directory lists source locations containing data bundles that correspond to the at least one of the one or more segments. Moreover, Saulpaugh does not disclose or suggest determining, from the directory, one or more of the source locations containing a data bundle corresponding to the at least one of the one or more segments. Thus, Saulpaugh fails to make up for the deficiencies of Redmond and Welsh with regard to the features recited in independent claims 1 and 16. Accordingly, as

claims 4 and 17 depend from claims 1 and 16, respectively, claims 4 and 17 are considered allowable over any combination of Redmond, Welsh, and Saulpaugh.

With regard to claim 5, this claim depends from and includes all the features of claim 1. The Action relies on Greiner for the features of claim 5 missing from Redmond and Welsh.

Greiner discloses a method and system for transmitting a digital image over a communication network. Greiner does not disclose or suggest querying a directory for one or more segments included in the segmented data file, wherein at least one of the one or more segments included in the segmented data file corresponds to a plurality of source locations, the directory lists one or more data files and the one or more segments that make up each data file, and the directory lists source locations containing data bundles that correspond to the at least one of the one or more segments. Moreover, Greiner does not disclose or suggest determining, from the directory, one or more of the source locations containing a data bundle corresponding to the at least one of the one or more segments. Thus, Greiner fails to make up for the deficiencies of Redmond and Welsh with regard to the features recited in independent claim 1. Accordingly, as claim 5 depends from claim 1, claim 5 is considered allowable over any combination of Redmond, Welsh, and Greiner.

With regard to claims 9 and 14, these claims depend from and include all the features recited in claim 1. The Action relies on Stern for the claimed features missing from Redmond and Welsh.

Stern discloses a system and method for accessing, manipulating, and viewing internet and non-internet related information and for controlling networked devices. Stern does not disclose or suggest querying a directory for one or more segments included in the segmented data file, wherein at least one of the one or more segments included in the segmented data file corresponds to a plurality of source locations, the directory lists one or more data files and the one or more segments that make up each data file, and the directory lists source locations containing data bundles that correspond to the at least one of the one or more segments. Moreover, Stern does not disclose or suggest determining, from the directory, one or more of the source locations containing a data bundle corresponding to the at least one of the one or more segments. Thus, Stern fails to make up for the deficiencies of Redmond and Welsh with regard

to the features recited in independent claim 1. Accordingly, as claims 9 and 14 depend from claim 1, claims 9 and 14 are considered allowable over any combination of Redmond, Welsh, and Stern.

Conclusion

The arguments and amendments presented herein are made for the purposes of clarification and expediting prosecution, rather than to overcome the rejections for patentability. The claims have not been amended to overcome the cited references, and therefore, no presumption should attach that either the claims have been narrowed over those earlier presented, or that subject matter or equivalents thereof to which Applicants are entitled has been surrendered. Allowance of the claims is respectfully requested in view of the above remarks.

It is believed that the foregoing remarks are fully responsive to the Office Action and that the claims herein should be allowable to Applicants. In the event the Examiner has any queries regarding the instantly submitted response, the undersigned respectfully request the courtesy of a telephone conference to discuss any matters in need of attention.

If there are any charges with respect to this response or otherwise, please charge them to Deposit Account 06-1130.

Respectfully submitted,

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